

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ICIAR CALLE JIMENEZ, et al.,

Plaintiffs,

-v-

NATALIA CAROLINA HERRERA MONTIEL,

Defendant.

23 Civ. 8086 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On September 13, 2023, the Court received plaintiff's complaint in the above-captioned case. Dkt. 1. The complaint states that this Court has subject-matter jurisdiction over this action pursuant to 28 U.S.C. § 1332(a) as "there is complete diversity of citizenship between all Plaintiffs and all Defendants in this case. The amount in dispute in this action, exclusive of interest and costs, exceeds the sum of \$75,000." Dkt. 1 ¶ 7. The complaint also states that Plaintiff Jimenez is a citizen of Spain, plaintiff Female Form LLC is a domestic limited liability company organized and existing under the laws of the State of New York with its principal place of business in New York, and that, to the best of plaintiffs' knowledge, defendant is a citizen of Argentina and Spain, currently residing in Spain. *Id.* ¶¶ 4–6.

On the facts as pled, the Court cannot determine that it has subject-matter jurisdiction over this matter. Complete diversity is required for a federal court to exercise jurisdiction in cases not involving a federal question. *Strawbridge v. Curtiss*, 7 U.S. (3 Cranch) 267 (1806), *overruled on other grounds, Louisville, Cincinnati & Charleston R.R. Co. v. Letson*, 43 U.S. (2 How.) 497, 555 (1844). A case with a foreign citizen on each side of the litigation does not enjoy complete diversity. *Corporacion Venezolana de Fomento v. Vintero Sales Corp.*, 629 F.2d

786, 790 (2d Cir. 1980). Thus, if both Jimenez and defendant are indeed foreign citizens, as the complaint pleads, there is no diversity jurisdiction to be had.

In view of this apparent jurisdictional defect, the Court instructs plaintiffs to file within one week of this order a letter addressing whether the Court has subject-matter jurisdiction over this matter, and if so on what basis.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: September 19, 2023
New York, New York